

Draft Rule for Solar Energy Generation on Preserved Farms

2:76-24.1 Applicability: This subchapter applies to the construction, installation, operation and maintenance of solar energy facilities on a preserved farm for purposes of generating solar power or heat to meet the needs of the farm as authorized pursuant to N.J.S.A. 4:1C-32.4.

2:76-24.2 Purpose: The purpose of this subchapter is to establish the process for the Committee to review an application submitted by any person intending to construct, install and operate solar energy facilities on a preserved farm for the purpose of generating power or heat to meet the needs of the farm, and to make improvements to any agricultural, horticultural, residential, or other building or structure on the land for that purpose, provided that the solar energy facilities satisfy the provisions of N.J.S.A. 4:1C-32.4 and this subchapter.

2:76-24.3 Definitions:

“Agreement” means a legally binding written document between the landowner(s) and the board in the case of a farmland preservation program or between the landowner(s), the board, and the municipal governing body, in the case of a municipally approved farmland preservation program, which must be signed by all parties and certified by the State Agriculture Development Committee to signify approval of a petition for creating a farmland preservation program or municipally approved farmland preservation program and recorded with the county clerk’s office.

“Application” means a request to construct solar energy facilities, structures and equipment on a preserved farm as detailed in a standard form adopted by the Committee.

“Board” means a county agriculture development board established pursuant to N.J.S.A. 4:1C-17 or a sub-regional agricultural retention board established pursuant to N.J.S.A. 4:1C-20.

“Committee” means the State Agriculture Development Committee established pursuant to N.J.S.A. 4:1C-4.

“Conservation plan” means a site-specific plan that prescribes land treatment and related conservation and natural resources management measures that are deemed to be necessary, practical and reasonable for the conservation, protection, and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of non-point source pollution.

“Deed of easement” means the instrument restricting the premises for agricultural purposes that is recorded with the county clerk’s office pursuant to the provisions of section 24 of P.L. 1983, c. 32 (N.J.S.A. 4:1C-31); section 5 of P.L. 1988, c. 4 (N.J.S.A. 4:1C-31.1); section 1 of P.L. 1989, c. 28 (N.J.S.A. 4:1C-38); section 1 of P.L. 1999, c. 180 (N.J.S.A. 4:1C-43.1); or sections 37 through 40 of P.L. 1999, c. 152 (N.J.S.A. 13:8C-37 through 13:8C-40). For land acquired in fee simple title for farmland preservation purposes, the deed transferring the restricted fee ownership of the land by the Committee or other entity is considered the deed of easement.

“Development easement” means an interest in land, less than fee simple absolute title thereto, which enables the owner to develop the land for any nonagricultural purpose as determined by

and acquired under the provisions of N.J.S.A. 4:1C-11.1 et seq., N.J.S.A. 13:8C-1 et seq. and any relevant rules or regulations promulgated pursuant thereto.

“Electric Distribution Company (EDC)” means an electric public utility, as the term is defined in N.J.S.A. 48:2-13, that transmits or distributes electricity to end users within New Jersey. An EDC cannot be an electric power supplier, but may provide basic generation service.

“Energy Costs” means the farm’s expenses to provide power or heat to fixed structures on the farm during the previous calendar year. Fixed structures include buildings and permanent equipment but shall not include vehicles or vehicular equipment.

“Energy Demand” means the total amount of power or heat consumed by fixed structures on the farm, expressed in kilowatt hours or kilowatt hour equivalent, in a given period of time.

“Exception” means a portion of the applicant’s landholdings that is excluded from the premises and, although identified in the deed of easement, is unencumbered by the farmland preservation restrictions mandated by N.J.A.C. 2:76-6.16(a) and set forth in the deed of easement.

“Farm” means lands from which a development easement was acquired and a deed of easement recorded with the county clerk’s office or lands that are enrolled in an eight-year farmland preservation program or municipally approved farmland preservation program pursuant to N.J.S.A. 4:1C-11 et. seq. and an agreement is recorded with the County Clerk’s office. Also included is any portion of the farm excluded from the premises that cannot be

severed. It does not include a portion of the farm excluded from the premises that can be severed.

“Farmland preservation program” means any voluntary program, the duration of which is at least eight years, authorized by law enacted subsequent to the effective date of the “Farmland Preservation Bond Act of 1981,” P.L. 1981, C.276, which has as its principal purpose the long-term preservation of significant masses of reasonably contiguous agricultural land within agricultural development areas adopted pursuant to N.J.S.A. 4:1C-11 et seq., P.L. 1983, C. 32, and the maintenance and support of increased agricultural production as the first priority use of that land.

“Geotextile fabrics” means permeable, woven and non-woven fabrics that allow for water infiltration into the underlying soil.

“Impervious cover,” for the purposes of this section, means any structure, surface, or improvement associated with the solar energy facility that prevents the infiltration of precipitation into the land. This includes but is not limited to the inverter, pilings, poles, concrete, asphalt, machine-compacted soil, compacted stone areas, plastic or other impermeable ground cover, and foundations. Impervious cover shall not include the area of the solar panels or conservation practices listed in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) Field Office Technical Guide when implemented according to the practice standard.

“Municipally approved farmland preservation program,” hereinafter referred to as “municipally approved program,” means any voluntary program, the duration of which is at least eight years, authorized by law enacted subsequent to the effective date of the “Farmland Preservation Bond Act of 1981,” P.L. 1981, C.276, which has as its principal purpose the long-term preservation of significant masses of reasonably contiguous agricultural land within agricultural development areas adopted pursuant to N.J.S.A. 4:1C-11 et seq., P.L. 1983, C. 32, and the maintenance and support of increased agricultural production as the first priority use of that land. Any municipally approved program shall be established pursuant to N.J.S.A. 4:1C-21.

“Net metering” means a system of metering electricity as defined pursuant to N.J.A.C. 14.8-1.2 provided that the solar energy facility connects to one or more electric revenue meters on the subject farm. Net metering shall not include metering systems where a solar energy facility connects to one or more electric revenue meters off the farm.

“Occupied area” means the total contiguous or noncontiguous area(s) supporting the solar energy facilities and related infrastructure. The total area calculation shall include all areas of land that are devoted to or support the solar energy facilities; any areas of land no longer available for agricultural or horticultural production due to the presence of the solar energy facilities; nonfarm roadways including access roads; any areas of the farm used for underground piping or wiring to transmit solar energy or heat where the piping or wiring is less than 3 feet from the surface; the square footage of solar energy facilities mounted on buildings; and areas consisting of other related facilities, structures and equipment, including any other buildings or site amenities, deemed necessary for the production of solar energy on the farm.

“Operator” means the person or entity that installs, owns or controls the solar energy facilities, structures and equipment.

“Owner” means the owner of record of the farm.

“Person” means natural persons, public or private corporations, companies, associations, societies, firms, partnerships and joint stock companies.

“Premises” means the property subject to the deed of easement, as defined by the legal metes and bounds description contained in the deed of easement.

“Prime farmlands” means lands so defined by the USDA Natural Resources Conservation Service.

“Qualifying tax-exempt nonprofit organization” shall have the same meaning as set forth in section 3 of P.L. 1999, c. 152 (N.J.S.A. 13:8C-3).

“Site plan” means a plot plan that includes the following:

1. Property lines and physical dimensions of the farm, including block(s) and lot(s) designations as set forth in the property survey created at the time of preservation of the farm or an updated version thereof;
2. Location, configuration and size of the occupied area measured in square feet and acres;

3. Facility specifications, including manufacturer and model; industry technical bulletin describing the solar energy equipment; method of mounting; system height; rated capacity and expected annual generation/production in alternating current in kilowatt hours if power will be generated or BTUs and kilowatt hour equivalent if heat will be produced;
4. Location of above- and below-ground pipes, wires and any other improvements or infrastructure to accommodate the solar energy facilities, with depths indicated for below-ground improvements and infrastructure;
5. Proposed new roadways and existing roadways to access the solar energy facilities;
6. Computed distances for setbacks from property lines and roads;
7. Location and computed areas where concrete, asphalt, gravel, geotextile fabrics, or other such land treatments are proposed, and the nature and extent of any site disturbances within the occupied area;
8. Location, rated capacity, and annual generation/production of any existing renewable energy equipment or structures on the farm in alternating current kilowatt hours if power is generated or kilowatt equivalent if heat is produced;
9. Location of all existing structures on the farm;
10. For a farm with an occupied area of greater than one acre, a copy of the conservation plan that was approved by the soil conservation district, which is referenced in this section; and
11. A copy of the farmland assessment form for the most recent tax year approved by the local tax assessor for the farm.

“Solar energy” means electricity or heat that is generated through a system that employs solar radiation.

“Solar energy facilities” means distinct solar energy systems that require their own dedicated inverter, electrical distribution and transmission wiring system and all other associated components, including but not limited to, solar panels and films, arrays, collectors, piping, footings, supports, mounting and stabilization devices, pumps, transformers, utility poles, and other on-farm equipment, structures and infrastructure necessary to operate and maintain the system for the generation of power or heat.

“Topsoil” means the upper part of the soil, generally the plow layer within the “A” horizon(s), ordinarily rich in organic matter, which is the most favorable material for plant growth.

2:76-24.4 Eligibility to install, operate and maintain solar energy facilities on a farm

Any person who owns a farm may submit an application to the Committee for the construction, installation, operation and maintenance of solar energy facilities provided that:

1. The facilities will not interfere significantly, as set forth in N.J.A.C. 2:76-24.6, with the use of the land for agricultural or horticultural production.
2. The facilities will be owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer or operator of the solar energy generation facilities, structures or equipment by which the landowner uses the income or credits realized from the solar energy to purchase the facilities, structures or equipment.
3. The facilities will be used to provide power or heat to the farm, either directly or indirectly, and/or to reduce, through net metering or similar programs and systems, energy costs on the farm.
4. The facilities will be limited in annual energy generation to:

- a. The previous calendar year's energy demand plus 10 percent, in addition to what is allowed by energy generated from facilities, structures or equipment existing on roofs of buildings or other structures on the farm as of January 16, 2010; and/or
 - b. An occupied area consisting of no more than one percent of the area of the farm.
5. The owner(s) of the farm and the solar energy facilities will sell energy only through net metering or as otherwise permitted under an agreement pursuant to (2) above.
6. The land occupied by the solar energy facilities is eligible for valuation, assessment and taxation pursuant to P.L. 1964, c. 48 (C.54:4-23.1 et seq.) and will continue to be eligible for such valuation pursuant to N.J.S.A. 54:4-23 after construction of the energy generation facilities.
7. The solar energy facilities do not exceed the standards for impervious cover established by the Committee in consultation with the New Jersey Department of Environmental Protection and the New Jersey Department of Agriculture.
8. A solar energy facility located in the pinelands area, as defined and regulated by the "Pinelands Protection Act" P.L. 1979, c. 111(C.13:18A-1 et seq.), complies with the standards of P.L. 1979, c. 111 and the comprehensive management plan for the pinelands area adopted pursuant to P.L. 1979, c. 111; and

2:76-24.5 Application for the construction, installation, operation and maintenance of a solar energy facility

1. Any person who owns a farm may apply for approval to construct, install, operate and maintain a solar energy facility by submitting an application to the Committee. The application shall include the following information and documents:
 - a. A copy of the recorded deed showing the current record owner of the restricted premises;
 - b. A site plan as defined in 2:76-24.3;
 - c. Digital photographs showing the proposed installation site taken from various angles and distances to show the installation site and immediate surroundings;
 - d. A proposed or fully executed purchase or lease agreement that clearly identifies that the owner of the qualified farm owns or will own the facilities, structures and equipment by the end of the term of a lease agreement
 - e. For solar energy facilities that will provide power, documentation from the Electric Distribution Company that the solar energy facilities are designed in accordance with net metering requirements pursuant to N.J.A.C. 14:8.12 to meet the farm's energy demand, or documentation showing that the solar energy facilities provide power directly to the farm outside of a meter.
 - f. A copy of the farm's electric utility bills, and/or copies of other bills, receipts or other documentation, demonstrating the amount of electricity or fuel used to meet the farm's energy demand for the previous calendar year.
 - g. If the farm is located in the pinelands area, evidence that written confirmation has been requested from the Pinelands Commission that the solar energy facilities

comply with the standards of P.L. 1979, c. 111 and the comprehensive management plan for the pinelands area adopted pursuant to P.L. 1979, c. 111;

2. Any person who owns a farm and intends to expand a previously installed solar energy facility shall submit a new application to the SADC.

2:76-24.6 Evaluation Criteria

When reviewing an application, the Committee shall determine whether the application meets the following criteria:

- a. Factors for determining if the solar energy facilities, structures and equipment interfere significantly with the use of the land for agricultural or horticultural production are as follows:
 - i. The facilities do not conflict with the deed of easement, including but not limited to, the following:
 - ii. There is no detrimental impact to drainage, flood control, water conservation, erosion control or soil conservation;
 1. During construction and installation of the solar energy facilities, appropriate measures are taken to control soil erosion from wind and water, including, but not limited to, the following:
 - i. The temporary stabilization of exposed areas using vegetative cover or mulch; and
 - ii. The application of nonpotable water to exposed areas and the utilization of barriers to control air current and minimize soil blowing;

2. During operation and maintenance of solar energy facilities, appropriate measures are taken to address soil and water conservation resource concerns;
 3. Solar energy facilities with an occupied area of more than one acre shall be constructed, installed, operated and maintained in accordance with a farm conservation plan that addresses soil and water resource concerns outlined in the National and State Resources Concerns and Quality Criteria (Section III) and Practice Standards (Section IV) of the Natural Resources Conservation Service NJ-Field Office Technical Guide (NRCS NJFOTG). The conservation plan filed must include a completed and NRCS-approved CPA-52 Environmental Evaluation Worksheet;
- iii. The types of agricultural use or production that can occur on the farm shall not be restricted;
 1. The presence of the solar energy facilities shall not negatively impact the ability to utilize any land outside the occupied area for a variety of agricultural or horticultural purposes;
 - iv. The solar energy facilities shall not interfere with the ability to access the farm for agricultural or horticultural purposes or uses and to ensure compliance with the deed of easement and the provisions of 2:76-24.1 et seq.;

- v. Easements shall not be provided through the farm for the purpose of transmitting power generated by an off-farm source, or to provide for roadways to service solar energy facilities not located on the farm;
- vi. Facilities servicing a use in a severable exception area shall be located entirely within the severable exception area;
- vii. Facilities primarily servicing nonagricultural or nonresidential uses in a nonseverable exception area shall be located entirely in the nonseverable exception area to the maximum extent practicable or financially feasible;
 - 1. Where it is not possible to locate such facilities entirely in the nonseverable exception area:
 - i. Priority shall be given to mounting facilities on existing buildings and structures; and
 - ii. The portion of the occupied area outside the nonseverable exception area shall not exceed one acre or one percent of the farm, whichever is less;
 - iii. The SADC may require from the facilities installer an itemization of all energy consuming devices connected to the electric revenue meter(s) to be serviced by the facilities, by energy demand and type of use, to determine whether the facilities will primarily service nonagricultural or nonresidential uses in the nonseverable exception area.
- viii. Facilities located outside nonseverable exception areas to service energy uses in the nonseverable exception areas, may not be permitted or may be subject to more stringent Federal limitations than described in vii. above if

the farm was preserved with funding from the U.S. Department of Agriculture Natural Resources Conservation Service's Farm and Ranch Lands Protection Program.

1. The SADC may require from the facilities installer an itemization of all energy consuming devices connected to the electric revenue meter(s) to be serviced by the facilities, by energy demand and type of use, to determine whether the facilities will primarily service nonagricultural or nonresidential uses in the nonseverable exception area.
- b. The facilities are located and configured in a manner that maximizes the use of the land for agricultural or horticultural purposes;
 - i. Facilities are not constructed or installed on prime farmland to the maximum extent practicable and financially feasible;
 - ii. Facilities are located along field edges and in nonproduction areas to the maximum extent practicable and financially feasible; and
 - iii. Facilities are sited and configured to avoid dividing larger fields into smaller fields and isolating areas of the farm such that they are no longer viable or efficient for agricultural production, including but not limited to:
 1. Restricting the movement of agricultural vehicles/equipment for planting, cultivation and harvesting of crops;
 2. Creating negative impacts on support infrastructure such as irrigation systems;

c. The mounting of solar panels, collectors or films constructed, installed and operated on the farm shall be done in the following manner:

- i. The preferred installation shall be on buildings or facilities to minimize adverse impacts on the productivity of the soil;
- ii. In the event that the method in (c)i. above is not practicable or financially feasible, the method of installation shall be as follows:

- 1. On the ground by a screw, piling or similar system that does not require a footing, concrete or other permanent mounting; or
- 2. Where the occupied area does not exceed one acre, using gravel within contained structures, concrete block or similar materials for the purpose of providing ballast for mounting the solar energy facilities;

- iii. In the event that the methods in (c) above, of mounting the solar panels, collectors or films, are not practicable or financially feasible, then written justification shall be provided by a licensed professional engineer responsible for designing the installation of the solar panels, collectors or films that a permanent ground mounting is necessary to conform with Federal or State laws, rules or regulations, and that the permanent mounting requires footings, concrete or other permanent methods.

d. The treatment of the land for purposes of constructing, installing, operating or maintaining the solar energy facilities within the occupied area shall be in accordance with the following standards to ensure the land can readily be returned to active agricultural or horticultural production after the removal of the solar energy facilities:

- i. Site disturbance associated with the solar energy facilities, including but not limited to grading, topsoil and subsoil removal, excavation and soil compaction, shall not exceed one acre;

- 1. Land smoothing in accordance with Practice Standards (Code 466) of the Natural Resources Conservation Service NJ-Field Office Technical Guide (NRCS NJFOTG) shall not be considered site disturbance.

- ii. Excess topsoil shall not be removed from the farm but shall be distributed or stockpiled elsewhere on the farm;

- i. For farms with an occupied area of more than one acre, topsoil shall be distributed or stockpiled on the farm in accordance with the farm conservation plan;

- iii. The use of geotextile fabrics is permitted only for the purpose of conducting agricultural or horticultural production within the occupied area, unless otherwise permitted in this section;

- iv. The use of concrete or asphalt is prohibited within the occupied area, except as follows:

- i. The mounting of inverters, transformers, power conditioning units, control boxes, pumps and other such system components;
 - ii. The mounting of solar panels, films and arrays when used as ballast, as described in paragraph (c)ii2 above; and

- iii. The mounting of the solar panels, films and arrays, if
determined necessary by a licensed professional engineer
as described in paragraph (ciii) above.
- v. The placement of gravel or stone is prohibited for the purpose of
preventing vegetative growth unless recommended as part of an approved
NRCS soil and water conservation practice.
- vi. New roadways within the occupied area shall be designed as grassed
roadways to minimize the extent of soil disturbance, water runoff and soil
compaction.
 - 1. The use of geotextile fabrics and gravel placed on the surface of the
existing soil for the construction of temporary roadways during the
construction of the solar energy facilities is permitted provided that
the geotextile fabrics and gravel are removed once the solar energy
facilities are in operation.
- vii. Where it is not practicable to utilize the occupied area for agricultural or
horticultural production in accordance with N.J.S.A. 54:4-23.1 et seq.:
 - 1. The occupied area for ground-mounted facilities shall be maintained
in vegetative cover to prevent soil erosion, mowed on a regular
basis and managed to prevent weeds or other invasive species from
growing up or spreading to other areas of the farm; or
 - 2. The occupied area beneath facilities mounted on buildings or other
structures permitted pursuant to the deed of easement, including
but not limited to carports or equipment shelters, shall be

maintained in a manner consistent with the use of the buildings or structures;

e. The solar energy facilities shall be deemed abandoned and the facilities shall be decommissioned in those instances when they are no longer being utilized to produce solar energy for a period of 18 consecutive months.

i. The decommissioning of the facilities, structures and equipment shall ensure that the agricultural productivity of the soil is restored to the greatest extent practicable, including but not limited to, the following:

1. All solar energy facilities shall be removed from the farm and the land shall be restored in order to achieve as much agricultural productivity of the soil as practicable and financially feasible; and
2. The decommissioning of solar energy facilities with an occupied area of greater than one acre shall be performed in accordance with a farm conservation plan prepared pursuant to NJ-FOTG that addresses soil and water resource concerns.

2. Factors for determining if the facilities, structures and equipment are owned by the landowner or will be owned by the landowner upon the conclusion of the term of an agreement with the installer or operator of the solar generation facilities, structures or equipment by which the landowner uses the income or credits realized from the solar energy to purchase the facilities, structures or equipment, are as follows:

- a. A copy of a fully executed purchase or lease agreement shall be provided to the Committee that clearly identifies that the owner of the farm owns or will own the facilities, structures and equipment by the end of the term of the lease agreement.
3. Factors for determining if the power or heat to the farm is provided directly or indirectly, or reduces through net metering or similar programs and systems, energy costs on the farm, are as follows:
 - a. The energy generation facilities, structures and equipment qualify for net metering as defined in N.J.A.C. 2:76-24.3; or
 - b. The energy is used to provide power or heat directly to the farm outside of the meter.
4. Factors for determining that the annual energy generation is limited to the previous calendar year's energy demand plus 10 percent, in addition to what is allowed by energy generated or collected from facilities, structures or equipment existing on roofs of buildings or other structures on the farm as of January 16, 2010, are as follows:
 - a. The annual energy generation is based on the monthly sum of the farm's previous calendar year's energy demand and does not exceed that amount plus 10 percent;
 - b. The landowner shall provide copies of the farm's electric utility bills and/or other bills, receipts or other documentation demonstrating the amount of electricity or fuel used to meet the farm's energy demand for the previous calendar year; and
 - c. The farm owner shall provide documentation of installation date(s) for energy generation facilities, structures or equipment already existing on roofs of buildings or other structures on the farm.

5. Factors for determining that the solar energy facilities are limited to an occupied area consisting of no more than one percent of the area of the farm are as follows:
- a. A copy of the site plan depicting the occupied area shall be provided to the Committee.
 - b. Solar energy facilities installed on the farm prior to the enactment of P.L. 2009, c. 213 on January 16, 2010, shall not be considered part of the occupied area in applications for new solar energy facilities unless the applications involve the expansion of a pre-existing facility;
6. Factors for determining that the person who owns the farm and the solar energy facilities may only sell energy through net metering or as otherwise permitted under an agreement allowed pursuant to 2 above are as follows:
- a. The solar energy facilities meet the definition of net metering in 2:76-24.3;
 - b. An approved Part One Interconnection/Application Agreement Form pursuant to N.J.A.C. 14:8-5.4-5.6 shall be provided to the Committee from the Electric Distribution Company verifying that the solar energy facilities are designed in accordance with net metering requirements; and
 - c. A copy of a fully executed purchase or lease agreement shall be provided to the Committee that clearly identifies that the owner of the farm owns or will purchase and own the solar energy facilities, structures and equipment at the end of the term of the lease agreement.

7. Factors for determining that the land occupied by the solar energy facilities is eligible for valuation, assessment and taxation pursuant to P.L. 1964, c. 48 (C.54:4-23.1 et seq.) and continues to be eligible for such valuation pursuant to N.J.S.A.54:4-23, are as follows:
 - a. A copy of the farmland assessment form approved by the local tax assessor shall be provided for the most recent tax year;
 - b. The SADC shall confirm, in consultation with the N.J. Department of Treasury's Division of Taxation, that the solar energy facilities as proposed will not disqualify any portion of the farm from farmland assessment eligibility;
8. Factors for determining if the facilities do not exceed the standards established by the Committee in consultation with the Department of Environmental Protection and the Department of Agriculture for impervious cover:
 - a. Impervious cover associated with the solar energy facilities does not exceed one acre.
9. Factors for determining that a solar energy facility located in the pinelands area, as defined and regulated by the "Pinelands Protection Act" P.L. 1979, c. 111(C.13:18A-1 et seq.), complies with the standards of P.L. 1979, c. 111 and the comprehensive management plan for the pinelands area adopted pursuant to P.L. 1979, c. 111 are as follows:
 - a. A copy of written correspondence from the Pinelands Commission shall be provided confirming that the solar energy facilities comply with the standards of P.L. 1979, c. 111 and the comprehensive management plan for the pinelands area adopted pursuant to P.L. 1979, c. 111;

10. Solar energy facilities on farms preserved with any funding provided by the U.S.

Department of Agriculture Natural Resources Conservation Service's Farm and Ranch Lands Protection Program, shall require approval of the U.S. Department of Agriculture Natural Resources Conservation Service.

11. Compliance with the criteria in 2:76-24.6 does not preclude compliance with any other relevant State or Federal laws or regulations, including but not limited to:

- a. The Coastal Area Facilities Review Act, N.J.S.A. 13:19-1 et seq., and the New Jersey Department of Environmental Protection Coastal Zone Management rules at N.J.A.C. 7:7E;
- b. The Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq.;
- c. The Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.; and

2:76-24.7 Committee review of an application

The Committee shall review an application pursuant to N.J.A.C. 2:76-24.6 and determine whether it is complete;

1. Once the Committee determines an application is complete:

- a. If the development easement is owned by a board or qualifying tax-exempt nonprofit organization, the Committee shall forward the application to the board or qualifying tax exempt nonprofit organization;
- b. If the farm was preserved with any USDA-NRCS Farm and Ranch Land Protection Program funding, the Committee shall forward the application to the USDA-NRCS;

2. If the Committee determines the application is incomplete, the Committee shall notify the applicant in writing and identify all information required for completion;

2:76-24.8 Board or nonprofit review of an application

The board or qualifying tax exempt nonprofit organization shall provide any comments on the application to the SADC within 30 days from the date of the Committee's notice;

2:76-24.9 Final Committee review

1. Within 90 days from determination of a complete application, the SADC shall approve, approve with conditions or disapprove the application;
 - a. The Committee's decision shall consider the factors in 2:76-24.6 and any substantive, objective issues raised in comments by the board or nonprofit organization that otherwise have not been considered;
 - b. The Committee's approval or denial of an application is subject to:
 - i. a Governor's review period following submission of the Committee's meeting minutes;
 - ii. USDA-NRCS approval for a farm preserved in whole or in part with USDA-NRCS Farm and Ranch Lands Protection Program funding;
 - iii. For a farm in the pinelands area, receipt of written confirmation from the Pinelands Commission that the solar energy facilities comply with the

standards of P.L. 1979, c. 111 and the comprehensive management plan for
the pinelands area adopted pursuant to P.L. 1979, c. 111;

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